



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LA GRECA, Gaetano

SERIAL NO.: 10/511,524

ART UNIT: 3727

FILED: March 21, 2005

EXAMINER: Mai, T.M.

TITLE: BACKPACK ATTACHMENT FOR IMPROVED DISTRIBUTION OF THE  
BACKPACK WEIGHT ACROSS A USER'S SHOULDERS

Amendment A: DRAWING AMENDMENTS

Please substitute the enclosed "REPLACEMENT SHEETS" of drawings in place of the  
originally submitted drawings.



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AMENDMENT "A"

Director of the U.S. Patent  
and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-14.50

Sir:

In response to the Office Action of March 8, 2006, a response being due with a three month extension of time by September 8, 2006, please enter the present amendments and consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 1 - 17 have been canceled and new Claims 18 and 19 substituted therefor. Reconsideration of the rejections, in light of the foregoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art and also for the purpose of placing the claim language into a more proper U.S. format.

In the Office Action, it was indicated that Claims 1 - 4, 6, 9 - 11 and 17 were rejected under

35 U.S.C. § 102(d) as anticipated by Endo patent. Claims 1 - 4, 6, 10, 11 and 17 were rejected under 35 § U.S.C. 102(b) as anticipated by the Dawson patent. Claim 1 - 4, 6, 9 - 11 and 17 were also rejected under 35 § U.S.C. 102(b) as anticipated by the Shallman patent. The claims were objected to under 35 § U.S.C. 112, second paragraph, as being indefinite. The drawing were objected to since reference characters were used to designate different embodiments.

As an overview to the present reply, Applicant has revised the original claims so as to incorporate the limitations of Claims 1 - 3 and 9 into the language of independent Claim 18. New independent Claim 18 expresses the original limitations in a more proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in the original claim language has been corrected herein. In particular, the backpack is now positively recited as having a bag-shaped body and a pair of shoulder straps extending from the body. The shoulder straps are defined as being suitable for extending directly over the shoulder of a user. Relative to the Examiner's objection respect to Claim 2, it is now positively recited that the "substantially inflexible curved member" is "a first plurality of substantially inflexible members" that are hingedly connected together. Similar recitations are identified for the "second plurality of substantially inflexible curved members". Relative to the embodiment of Figure 2, the elected embodiment, it is indicated that a channel extends through each of the first and second pluralities. The shoulder straps extend through this channel. At least one of the plurality of substantially inflexible curved members is positioned adjacent "an upper region of said bag-shaped body". It is further indicated that these pluralities of substantially inflexible curved members are "slidable" along the pair of shoulder straps. Dependent Claim 19 corresponds to the limitations found in original dependent Claim 4. Applicant respectfully contends that these features

serve to distinguish the present invention from the prior art references.

With respect to the prior art references, the Endo patent simply shows an attachment for the underside of the shoulder strap. There are no “plurality of curved members”. There is no “channel” extending through the plurality of curved members. Quite clearly, any inflexible curved members are affixed to the underside of the strap. The strap does not extend through the interior channel of the any inflexible curved members.

The Dawson patent describes a device for supporting an IV bottle at an elevated level. There is no channel through which the strap extends. There is no “bag-shaped body”. There is no plurality of inflexible curved members that extend to the upper region of the bag-shaped body. As such, independent Claim 18 is not anticipated by the Dawson patent.

The Shallman patent describes a segmental backpack frame. The important feature of the Shallman patent is the frame located at the back of the user. Unlike the present invention, as defined by independent Claim 18, there is no channel extending through a plurality of substantially inflexible curved members that hingedly connected together. There is no teaching that these inflexible curved members extend over the shoulder of the user. There is no indication that the strap would extend through the interior of the plurality of inflexible curved members. On this basis, Applicant respectfully contends that the present invention, as defined by independent Claim 18, is not anticipated by the Shallman patent.

Relative to the Examiner’s objection, the specification and the drawings have been renumbered so as to indicate, with different numbers, the different embodiments of the present invention. Applicant respectfully disagrees with the Examiner with respect to embodiment of Figure 5. Quite clearly, the embodiment of Figure 5 reflects the embodiment of Figure 4, but illustrated as

used in conjunction with a strap.

The Specification has also been amended so as to correct for minor language informalities throughout.

Based upon the foregoing analysis, Applicant contends that independent Claim 18 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 18 should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

  
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Date